IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.301 of 2006

Rama ... Petitioner

Vs.

1. The State of Tamil Nadu
   rep. by its Secretary to Government,
   Government of Tamil Nadu,
   Prohibition and Excise Department,
   Fort St. George, Chennai-9.

2. The District Collector and
   District Magistrate, Vellore district
   Vellore. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the order passed by the second respondent in C3.D.O.No.30/2005 dated 7.09.2005, quash the same and produce the detenu Arumugham, who is detained in Central Prison at Vellore before this Court and set him at liberty.

For Petitioner : Mr.M.V.Muralidaran
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the wife of the detenu by name Arumugam, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 07.09.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

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3. At the foremost, learned counsel appearing for the petitioner, by drawing our attention to the translated copy of the grounds of detention, has submitted that there is no specific reference to the representation made by the detenu. He also contended that though the same is available in the English version of the grounds of detention (vide para 6), the material aspect has not been stated or referred to in the Tamil version. According to the learned counsel, since the detenu is unaware of the English language, in view of the omission of the same in the Tamil version of the grounds of detention, he was not in a position to make any representation at all. In the light of the said contention, we have verified para-6 of both English and Tamil version of the grounds of detention. As rightly pointed out, though it is correctly stated in the English version, in the Tamil version of the grounds of detention, there is no reference with regard to the representation("KiwaPL"). It is merely stated that the case details would be placed before the Advisory Board for consideration. No doubt, learned Additional Public Prosecutor has submitted that in the absence of any representation, the Advisory Board cannot be blamed for not having taken any action to consider his case. As rightly pointed out, because of the said omission or confusion in the Tamil version, the detenu was not in a position to submit his representation. The said contention cannot be rejected. In the light of the variation in the Tamil version, we are satisfied that the detenu was prejudiced in making effective representation to the Advisory Board, which vitiates the ultimate order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George,Chennai-600009.

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2.The District Collector and District Magistrate, Vellore District, Vellore.

3.The Superintendent, Central Prison, Vellore.

4.The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5.The Public Prosecutor, High Court, Madras.

+ one cc to Mr.M.V.Muralidaran, Advocate Sr.No.28463.

JRG (CO)
RSM/11.7.2006

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